HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No. 6264 OF 2006

Between:

Imliban Gaushala, a branch of Bhagyanagar
Gau Seva Sadan, a registered society under the
provisions of the A.P. Societies Registration Act,
vide Registered No.5927/96 rep. by its Secretary
Bhawarlal Bafna, S/o Dhingarmal, aged 74 years,
Social Activist, R/o 601 Premsagar Apartment,
Hyderguda, Hyderabad

……Petitioner

And

The Commissioner of Police,
Basheerbagh, Hyderabad and
three others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri Jasraj Shri Shrimal,
representing
Sri Milind G. Gokhale
Counsel for Respondent Nos.1 to 3 : Government Pleader for
Home

Counsel for Respondent No.4 : Sri M.A. Ashfaq Mohiuddin

Dated: 26-04-2006

Per G.S. SINGHVI, CJ

In this petition, Imliban Gaushala through its Secretary
Sri Bhawarlal Bafna has prayed for issue of a direction to the official respondents to take steps to ensure compliance of the provisions contained in Sections 5 and 6 of the Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977.

On 28-03-2006, the Court had directed respondent Nos.1 and 2 and all other functionaries of the Police Department to ensure that the cattle which were taken away from the petitioner – gaushala on 26-03-2006 are kept in safe custody and are not slaughtered or allowed to be slaughtered by non-applicant Nos.3 and 4 or by their servants, agents etc.

After service of notice on respondent No.4, several interim orders were passed including the one for examination of the cattle by Chief Veterinary Doctor,

Municipal Corporation, Hyderabad.

In compliance of the direction given by the Court, Chief Veterinary Doctor, Municipal Corporation, Hyderabad checked the animals and submitted report dated 17-04-2006, the relevant extracts of which are reproduced below:

> "1) The animals are exclusively unfit for any purpose including draught purpose as an alternative they may be put for slaughter.
>
> 2) The rest 40 are in little better condition and useful to serve hardly another 1 to 2 years if properly fed for Agriculture operation/drought purpose.
>
> 3) All the 75 animals are male and no cow was found."

Learned counsel for respondent No.4 says that his client is engaged in the purchase and sale of cattle and none of the 75 animals which he was transporting was meant for being slaughtered.

In view of the report of the Chief Veterinary Doctor, Municipal Corporation, Hyderabad and the statement made by the learned counsel for respondent No.4, we do not consider it necessary to issue any further direction in the matter and dispose of the writ petition as infructuous with liberty to respondent No.4 to file an appropriate application before the competent court for release of the cattle.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD, J

26-04-2006

ks / svs